

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
October 22, 2013
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Absent: Cynthia Garnholz

Mayor Sanger asked for any questions or comments relating to the October 8, 2013 minutes, which were previously provided to the Board.

Alderman Maddox-Dallas moved to approve the October 8, 2013 minutes. Alderman Harris seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER REZONING 8260 FORSYTH BOULEVARD BY REMOVING IT FROM THE MARYLAND GATEWAY OVERLAY DISTRICT

Mayor Sanger opened the Public Hearing and requested proof of publication.

City Manager Owens reported that this public hearing pertains to the rezoning of 8260 Forsyth Boulevard by removing it from the Maryland Gateway Overlay District. The Plan Commission reviewed the request at the September 16, 2013 and voted 6 – 0 to recommend denial of the request of rezoning. Due to the Plan Commission voting to recommend denial a supermajority vote from the Board of Aldermen is required to overturn the Plan Commission's recommendation pursuant to Article II, Text Amendments and Rezoning, Section 405.1610. A vote of at least 5 members of the Board of Aldermen is required to approve the decision contrary to the Plan Commission recommendation. Staff recommendation is to deny the request to rezone.

Mr. John King, Attorney and representative of Midwest Regional Bank, addressed the Board stating that Midwest Bank purchased the subject property September 2012 and duly recorded the purchase with St. Louis County in 2012 as recognized in the County Recorder of Deeds. He pointed out that the property owner did not receive a notice from the City regarding the Maryland Gateway Overlay District and therefore was not aware of any public hearings or that the property was being considered to be a part of the District. He urges the Board to consider the request to withdraw the subject property from the Maryland Gateway Overlay District.

Alderman Harris commented that she is surprised to hear that the property owner did not receive any notices.

Mayor Sanger commented that it is an unfortunate oversight that they did not receive a notice.

Alderman Berger stated that the stipulations and rationale that are put forward to oppose the rezoning does not satisfy the practical test of what is reasonable. He stated that he could not understand from a logical point of view why this property was included in the Overlay District.

In response to Alderman Harris' question, Mr. King stated that the property owner's intention was to build a bank with a drive-through, but now due to the Overlay District requirements they cannot develop that property as they had intended.

Mayor Sanger stated that the Board labored intensely over the zoning issues and held several public hearings and meetings to discuss the issue.

City Attorney O'Keefe clarified to Mr. King that the published notice as required per State Statute was provided. Mr. King confirmed that he understood that the notice was published.

Mayor Sanger closed the Public Hearing.

Alderman Harris introduced Bill No. 6415, an ordinance to approve a request for rezoning 8260 Forsyth Blvd to be removed from the Maryland Gateway Overlay District to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6415, An Ordinance Rezoning the Property Known and Numbered As 8260 Forsyth Boulevard By Removing It From the "Maryland Gateway Overlay Zoning District" and Amending Article XIV of Chapter 410 of the Code of Ordinances of the City of Clayton By Adjusting the Boundaries of Said Overlay District Accordingly for the first time by title only.

The motion received, 1 – aye; 5 – Nays (Alderman Berger voting in approval) and therefore failed. The second reading will be held at the November 12, 2013 Board of Aldermen meeting.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FINANCIAL INSTITUTION DRIVE-THROUGH FACILITY AT 8321 MARYLAND AVENUE – FIFTH THIRD BANK

Mayor Sanger opened the Public Hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for the proposed operation of a drive-through facility in conjunction with the new Fifth Third Bank development at 8321 Maryland Avenue. The Plan Commission considered this

request at their October 7, 2013, meeting and voted unanimously to recommend approval of the conditional use permit as requested.

Mr. Gary Feder, Attorney and representative, addressed the Board stating that they hope this is the end of their long journey. The Plan Commission/ARB approved the architectural aspects of the plan and the site plan was also approved. He introduced Scott Hathaway, Project Engineer and Jeff Smith, Fifth Third Bank Real Estate representative.

Mayor Sanger stated that this project has come through a long arduous process and he congratulated Fifth Third Bank's team on their diligence.

Alderman Winings noted a correction in the Request for Board Action stating that the Plan Commission did not vote unanimously, but instead voted 5 – 1 in favor.

In response to Alderman Boulton's question, Susan Istenes confirmed that all requirements were met.

At the request of Alderman Winings, Mr. Hathaway of the CBD Group in Powell, Ohio, shared with the Board the design depictions of the plans.

Mayor Sanger closed the public hearing.

Alderman Harris moved to approve Resolution No. 13-25, a Conditional Use Permit for Fifth Third Bank located at 8321 Maryland Avenue. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH FLORISSANT SOD CO, INC. FOR THE SHAW PARK FIELDS 3 & 4 PROJECT

City Manager Owens reported that this is an ordinance to consider authorizing a contract with Florissant Sod Co, Inc. in the amount of \$121,456, plus a contingency of \$15,000 for the Field Project at Shaw Park.

Alderman Harris introduced Bill No. 6416, an ordinance to approve a contract for the Shaw Park Ball Fields 3 and 4 to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6416, An Ordinance Approving a Contract With Florissant Sod Co, Inc. for the Shaw Park Ball Fields 3 & 4 Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6416, an ordinance to approve a contract for the Shaw Park Ball Fields 3 and 4 to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6416 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6292 of the City of Clayton.

A MOTION TO APPOINT ALDERMANIC COMMITTEE ASSIGNMENTS

City Manager Owens reported that the following elected officials have been recommended for assignment to the specified committee as listed.

Clayton Century Foundation

Alderman Michelle Harris
Alderman Mark Winings

CRSWC

Alderman Alex Berger III
Alderman Andrea Maddox-Dallas

Plan Commission/ARB

Alderman Cynthia Garnholz

Economic Development Advisory Committee

Alderman Cynthia Garnholz
Alderman Michelle Harris

Parks & Recreation Commission

Alderman Michelle Harris
Alderman Mark Winings

Public Art Advisory Committee

Alderman Joanne Boulton

Non-Uniformed Employees Retirement Fund Board

Alderman Alex Berger III
Alderman Joanne Boulton

Uniformed Employees Retirement Fund Board

Alderman Alex Berger III
Alderman Joanne Boulton

Sustainability Committee

Alderman Joanne Boulton
Alderman Andrea Maddox-Dallas

Other

**Alderman Michelle Harris-St. Louis County
Municipal League**

Alderman Harris moved to approve the aldermanic assignments. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Other

None

Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.

Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 7:55 p.m.

Mayor

ATTEST:

City Clerk